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10/068,914	02/07/2002	Brett A. Sneed	504576.053	9405

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EXAMINER

LONEY, DONALD J

ART UNIT	PAPER NUMBER
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1772

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/068,914
Filing Date: February 07, 2002
Appellant(s): SNEED, BRETT A.

Penny R. Slicer
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 3, 2005 appealing from the Office action mailed June 30, 2004.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

2,512,310	Corson	06-1950
3,746,607	Harmon	07-1973
4,816,316	Robbins	03-1989
4,565,728	Spamer et al.	01-1986
5,614,288	Bustos	03-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by any of Corson (2512310), Robbins (4816316), Harmon et al (3746607), Spamer et al (4565725) or Bustos (5614288).

All of the above teach an article having a body wherein the overlapping portion and third and forth edges are equal to approximately the maximum thickness of the body (i.e. from the bottom surface of the article to the top of the rib, from paragraph 13, second sentence of the Specification). A flap portion (which is an extension of or section beyond the last rib), which is less than the thickness of the body, is included along the first edge. Refer to figures 1 and 2 in Corson showing ribs (12) and what one can consider a flap portion (i.e. thinner than the maximum thickness) at either end of the

sheet. A section including three ribs (the applicant shows three ribs in overlapping section (24) in figure 2) along either the left or right edge in figure 1 or 2 can be considered the overlapping portion that corresponds to the applicant's overlapping section. All of the other references show a similar type of arrangement as described above. Refer to figures 1 and 3 in Robbins. Refer to figures 1-3 in Harmon et al. Refer to figure 3 in Spamer et al. Refer to figure 1 in Bustos.

(10) Response to Argument

Appellant's argument's to Corson, Robbins, Harmon et al, Spamer et al. and Bustos.

With respect to all references, the appellant's argue that none of the references teach a single flap extending only from a first edge of the unit. This is not commensurate with the scope of the claims. The claims recite "a single flap extending from the first edge". Therefore, due to the open claim language drawn to "comprising" in the preamble, along with the omission of the term "only" in the claims, there could be flaps extending from any of the other edges. The instant language would only exclude more than one flap from the first edge. It is noted that the appellant also, in figures 2-6, shows what can be considered a flap or extension, however so small, at the end of the second edge (16d) or overlapping portion (24). The appellant's also argues that the prior art fails to teach an overlapping portion and third and fourth opposing edges that are of a thickness approximately equal to the maximum thickness of the mat since the prior art shows a flap or extension section beyond the last rib (i.e. the thickest portion of the mat). It must be noted that the applicants overlapping portion, as shown in figures 2-6,

Art Unit: 1772


contains about three ribs and includes the however small flap or extension section.

Therefore the prior art, which shows a small section at the end of the ribbed overlapping section, as does the appellant's, would contain an overlapping section and third and fourth edges that are approximately equal the maximum thickness of the mat (i.e. ribbed portion). The appellant's overlapping section is not just the edge of the mat 16d, which contains a small flap or extension section.

(11) Related Proceeding(s) Appendix



No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Donald Loney
Primary Examiner
Art Unit 1772

DJL:D.Loney
April 16, 2005

Conferees

Harold Pyon  Rena Dye 

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